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A PROFESSIONAL CORPORATION

17 State Street ▪ New York, NY 10004

212.425.9300 ▪ fax 212.425.9337

www.bressler.com

Michael D. Margulies
Counsel

direct: 212-235-6423
mmargulies@bressler.com

June 17, 2018

VIA ECF

The Honorable Gregory H. Woods, U.S.D.J.
United States District Court
Southern District of New York
Daniel Patrick Moynihan U.S. Courthouse
500 Pearl Street
New York, NY 10007

Re: *Oracle Corp. v. Chartis Specialty Insurance Co.*, Case No. 1:18-cv-03440

Dear Judge Woods:

We write on behalf of Defendant, Chartis Specialty Insurance Company (“Chartis”) in response to Plaintiff, Oracle Corporation’s (“Oracle”) June 15, 2018 letter requesting the Court’s permission “to file a motion for judgment on the pleadings and/or partial summary judgment” [ECF doc. 19]. Given the procedural posture of this Action, the motions that Oracle seeks permission to file are premature.

Prior to Oracle’s request to file its motion(s), Chartis submitted a letter to the Court seeking permission to file a motion to dismiss [ECF doc. 17] – a motion based entirely on the deficiency of Oracle’s Complaint. In compliance with Your Honor’s Individual Rules of Practice in Civil Cases, Chartis has not yet filed its Answer to the Complaint. Despite that fact, Oracle seeks to file a motion for judgment on the pleadings. But as Chartis had not yet filed its own pleadings, a motion for judgment on the pleadings would be premature at this time.

It is also premature for Oracle to file a motion for partial summary judgment at this early stage of the litigation. Chartis would require discovery in advance of opposing Oracle’s motion for summary judgment described in its letter. As discovery has not yet commenced in this Action, that motion for partial summary judgment is premature. Oracle will not be prejudiced by following the rules of procedure and exchanging discovery before proceeding with its summary judgment motion.

Accordingly, the Court should not permit Oracle to file a motion for judgment on the pleadings or a motion for partial summary judgment at this time. As the Action proceeds, Oracle will have the opportunity to file its motions at the appropriate time.

Respectfully,

/s/ Michael D. Margulies

Michael D. Margulies

cc: Adam Ziffer, Esq. (by ECF)